

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4355 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

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SHANKARBHAI V RATHOD

Versus

DIST SUPPLY OFFICER

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Appearance:

MR P.N. BAVISHI, Advocate, for Petitioner  
MISS HARSHA DEVANI, GOVERNMENT PLEADER for  
Respondents No.1 to 4.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 26/03/96

ORAL JUDGEMENT

The petitioner's licence has been cancelled on account of contravention of the conditions of the Licence under the Gujarat Essential Articles (Licencing, Control and Stock Declaration) Order, 1981.

2. Learned Counsel appearing for the petitioner submits that the alleged contravention is with respect to

the article wheat and by the notification dated 27-10-1986 article "wheat" has been deleted from the Schedule appended to the Gujarat Essential Articles (Licencing, Control and Stock Declaration) Order, 1981.

3. Learned A.G.P. submits that this contention was not raised before the respondent no.3, Dy. Secretary, Food and Civil Supplies.

4. Since the matter goes to the root, it will be appropriate that the matter is considered afresh by the Dy. Secretary, Food and Civil Supplies, keeping in view the amendment referred to above.

5. In view of the aforesaid, this Special Civil Application is allowed and the impugned order dated 6-3-1995 passed by the Dy. Secretary, Food and Civil Supplies, is quashed. The Dy. Secretary, Food and Civil Supplies, is directed to pass afresh order considering the notification referred to the above by the petitioner. Rule is made absolute to the aforesaid extent. There shall be no order as to cost.

6. The petitioner may appear before the Dy. Secretary, Food and Civil Supplies, on 18-4-1996 and in case if there any difficulty to hear and decide the matter, he will give next date. In any case, the Dy. Secretary, Food and Civil Supplies, will dispose of the matter within a period of three months from today.

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